



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard B. EVANS) Group Art Unit: 1773
Application No.: 10/829,270) Examiner: Vivian CHEN
Filed: April 22, 2004) Confirmation No.: 6458

For: BACKING FILM AND METHOD FOR PLY MATERIAL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action dated March 23, 2006, restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I. Claims 1-13, 14-15, and 18-20, drawn to a backed ply material, classified in class 428, subclass 480+.

Species 1) Claim 9 is drawn to graphite fibers.

Species 2) Claims 10-12 are drawn to a metal foil.

Group II. Claims 16-17, 21-23, drawn to a method of using a backed ply material, classified in class 264, subclass 299+.

In response, Applicant hereby provisionally elects Group I drawn to claims 1-13, 14-15, and 18-20 and Species 2 drawn to claims 10-12, with traverse.

The election is made with traverse, because of the similarity of subject matter being claimed puts no serious burden on the Examiner to search and examine all of the claims in the entire application. The Examiner is reminded that the Examiner must search and examine the entire application on its merits even if it includes claims to independent or distinct inventions if the search puts no serious burden on the Examiner. M.P.E.P. § 803. In view of the similar subject matter of the claims and the powerful electronic search tools available to the Examiner, Applicants assert that searching and examination of the entire application would not pose a serious burden on the Examiner. Further, the Applicant has paid for, by virtue of payment of the filing fees, search and examination of the pending claims. Requiring the Applicant to re-file the non-elected claims in divisional applications would require the Applicant to pay duplicative fees.

If the Examiner has any questions, the Examiner is invited to contact the Applicants' undersigned agent at the telephone listed below.

Respectfully submitted,

Baker & Hostetler LLP

By:



Michael D. Graham
Reg. No. 51,750

Dated: April 13, 2006
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1629
Facsimile: 202-861-1783